

**ENTERED**

July 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

YOLANDA M WILLIAMS,

Plaintiff,

VS.

UNIVERSITY OF HOUSTON DOWNTOWN §  
SPORT & FITNESS CENTER - ET.AL, *et al*, §

Defendants. §

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CIVIL ACTION NO. 4:18-CV-3712

**ORDER ADOPTING MEMORANDUM AND ORDER**

Pending before the Court in the above referenced proceeding is Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. No. 9), Plaintiff's response which appears to include an amended complaint (Doc. No. 10); Revised Original Motion (Doc. No. 12); Defendants' Reply (Doc. No. 11); and Magistrate Judge Stacy's Memorandum and Recommendation (Doc. No. 14) recommending that Defendants' motion be granted. Plaintiff Yolanda M. Willilams did not file objections to the Memorandum and Recommendation and the time to do so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Defendants are entitled to Eleventh Amendment immunity and the case should be dismissed for lack of jurisdiction; that Plaintiff's § 1983 claims should be dismissed for failure to state a claim on which relief may be granted; and, that, on this record, justice does not require leave to file a third amended complaint. Accordingly, it is hereby

**ORDERED** that the Memorandum and Recommendation (Doc. No. 14) is **ADOPTED**, and Defendants' Motion to Dismiss (Doc. No. 9) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 8<sup>th</sup> day of July, 2019.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE